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# LEGAL ALERT

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## Get Your Summer Camp Compliance in Order

### *New Screening Requirements for Florida Summer Camps*

The Florida legislature amended Florida Statute 409.175, the law related to screening requirements for summer camps operated in Florida, effective in August 2010. In essence, the new statute provides Florida's Department of Children and Families with the authority to adopt rules relating to the screening requirements for "summer day camps" and "summer 24-hour camps." Though no rules have been adopted as of yet, the statute itself creates a Level 2 background screening requirement (as defined in Fla. Stat. 435) for all "summer day camp" and "summer 24-hour camp" "personnel."

#### *What types of summer programs must abide by the new statute?*

The new law encompasses nearly any summer program, private or public, operated within the State of Florida. Specifically, the statute defines "summer day camps" as recreational, educational, and other enrichment programs operated during summer vacations for children who are 5 years of age on or before September 1 and older, and "summer 24-hour camps" as recreational, educational, and other enrichment programs operated on a 24-hour basis during summer vacation for children who are 5 years of age on or before September 1 and older, that are not exclusively educational.

#### *Who is required to undergo Level 2 background screening?*

The statute requires that all personnel of any summer day camp and/or summer 24-hour camp undergo Level 2 background screening. The statute defines "personnel" as owners, operators, employees, and volunteers working in summer day camps, or summer 24-hour camps providing care for children. However, a volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term "personnel" for the purposes of screening if a person who meets the screening requirement is always present and has the volunteer in his or her line of sight. There are no exclusions under the statute for those under age 18 from being fingerprinted.



#### *What does this mean?*

Many schools are already required, pursuant to their accreditation guidelines, to fingerprint all school personnel, including summer camp personnel. This new law adds the requirement that volunteers who fall outside the exception above must be fingerprinted. The fingerprinting must be completed prior to the start of summer camp. Although this law increases the costs of operating a summer camp, schools should have been complying with similar guidelines anyway given the litigious environment in which schools operate and the goal to ensure the safety and protection of the school's children first.

The Florida Department of Children and Families has created a webpage to answer some frequently asked questions and provide some guidance on the new requirements. The address is [http://www.dcf.state.fl.us/admin/backgroundscreening/camps\\_faqs.shtml](http://www.dcf.state.fl.us/admin/backgroundscreening/camps_faqs.shtml).

For more information please contact Candice Pinares-Baez at 954.847.4735 or email [cpinares-baez@laborlawyers.com](mailto:cpinares-baez@laborlawyers.com).

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